

From: Ryan Johnson
To: Microsoft ATR
Date: 12/16/01 3:34am
Subject: Microsoft Settlement

Dear Dept. of Justice,

I am concerned about the anti-trust settlement with Microsoft. It is clear that Microsoft is guilty of antitrust violations. Although I am not an expert, I have been keeping up with the case and would like to express my concern with the way that the agreement addresses open source software and other access to the API's associated with Windows. It seems clear to me that the power Windows holds over the market is much more than a coupled browser, but the way that Microsoft can leverage that monopoly to increase the barriers to entry of other software makers into producing software for Windows.

Section III(J)(2) and Section III(D) both contain language that could damage free software and other enterprises that Microsoft does not consider a business. Since programs like Apache and Linux make a huge difference in the server market, and consequently the internet, this language essentially gives Microsoft the keys to the gate regulating the connection of PC's with internet servers. Additionally, since these programs are maintained by large communities of people not formed into a legal entity, they have little way to legally fight Microsoft if Microsoft decides they are not worthy of the API's necessary to interface with Windows.

This language would also hurt the government, NASA and any other non-profit scientific or other organization that would like to interface with Windows. Please look at this area further and do not give the company a chance to strengthen it's position in the market.

Additionally, it does not seem like the agreement provides enough penalties to the company for it's monopolistic actions. Microsoft should not be stopped from competing fairly in the marketplace, but they should be given a new way to strengthen their position either. It is not enough just to make it available to remove coupled programs or to change certain features. The benchmark should be whether or not the average computer user is able to make that choice when they buy their computer.

As one last point, I would like to advocate the selection of Steve Satchell as a member of the three member watchdog committee over Microsoft. Robert X. Cringley has recommended him highly and I have learned to trust Mr. Cringley's opinion after having read his column for a long time.

Sincerely,

Ryan C. Johnson
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